

## 2013 DRAFTING REQUEST

### Bill

Received: 1/7/2013 Received By: pkahler  
Wanted: As time permits Same as LRB:  
For: Dean Kaufert (608) 266-5719 By/Representing: Adam Field  
May Contact: Drafter: pkahler  
Subject: Public Assistance - fdshre(SNAP) Addl. Drafters:  
Extra Copies:

Submit via email: YES  
Requester's email: Rep.Kaufert@legis.wisconsin.gov  
Carbon copy (CC) to: Fern.Knepp@legis.wisconsin.gov

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### Pre Topic:

No specific pre topic given

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### Topic:

Pilot program for limiting types of food that may be purchased with food stamps

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### Instructions:

See attached

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### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pkahler 1/7/2013	jdye 1/18/2013	jmurphy 1/18/2013	_____			
/P1	pkahler 2/26/2013			_____	sbasford 1/18/2013		State
/1		jdye 2/27/2013	rschluet 2/27/2013	_____	sbasford 2/27/2013	mbarman 3/21/2013	State

FE Sent For:

<END>

At  
Intro.

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/?	pkahler	PI 1/8 jld	jm 1/10/13	self			

FE Sent For:

<END>

1-4-13

Rep. Kaufert

6-5719

Adam Field

preliminary draft

re. food share program

~~Repeal~~ require DTS to request a waiver

to develop pilot program

to limit types of food

Can purchase w/ food stamps  
limit to

nutritional foods

no soda, chips,  
etc.

2-26

phone call from Adam

draft is OK as is  
make it introducible



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-10327

PJK:.....

jld  
r m not run

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-note  
(2-1-7)

Gen. cat

✓

1 AN ACT *relating to:* a pilot program to limit foods under FoodShare and  
2 providing an exemption from rule-making procedures.

***Analysis by the Legislative Reference Bureau***

Under current law, the federal food stamp program, now known as the Supplemental Nutrition Assistance Program (SNAP) and called FoodShare in this state, assists eligible low-income individuals to purchase food. SNAP benefits are paid entirely with federal moneys. The cost of administration is split between the federal and state governments; the program is administered in this state by the Department of Health Services (DHS).

This bill requires DHS to conduct a pilot program that limits the use of SNAP benefits for foods, food products, and beverages (foods and beverages) that have sufficient nutritional value. DHS must identify specific or categories of foods and beverages that do not have sufficient nutritional value and prohibit the use of SNAP benefits for those foods and beverages. If DHS determines that a federal waiver is needed to implement the pilot program, it must request the waiver and may not implement the pilot program unless the waiver is granted.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***



## SECTION 1

**SECTION 1.** 49.79 (7m) of the statutes is created to read:

49.79 (7m) PILOT PROGRAM LIMITING FOODS. (a) Subject to par. (b), the department shall conduct a pilot program under which the department allows the benefits under the food stamp program to be used only for foods, food products, and beverages that have sufficient nutritional value. The department shall identify specific foods, food products, and beverages, or general categories of foods, food products, and beverages, that do not have sufficient nutritional value and shall prohibit the use of benefits under the program for those foods, food products, and beverages.

(b) If the department determines that it may not implement the pilot program under par. (a) without a federal waiver, the department shall request a waiver from the secretary of the federal department of agriculture and may not implement the pilot program under par. (a) unless the waiver is granted and in effect.

**SECTION 2.** 227.01 (13) (tm) of the statutes is created to read:

**227.01 (13) (tm)** Relates to a pilot program under s. 49.79 (7m).

**(END)**

D-*me*

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

date

LRB-10327dn

PJK:...

jld

Because the administrative rule-making<sup>✓</sup> process may take a very long time, I exempted DHS<sup>✓</sup> from promulgating rules for the pilot program, including specifying foods and beverages that may not be purchased with food stamps. Do you, instead, want DHS to promulgate rules?<sup>✓</sup> Do you want to require DHS to consult with particular experts to come up with the prohibited foods and beverages?<sup>✓</sup>

Pamela J. Kahler  
Senior Legislative Attorney  
Phone: (608) 266-2682  
E-mail: pam.kahler@legis.wisconsin.gov

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1032/P1dn  
PJK:jld:jm

January 18, 2013

Because the administrative rule-making process may take a very long time, I exempted DHS from promulgating rules for the pilot program, including specifying foods and beverages that may not be purchased with food stamps. Do you, instead, want DHS to promulgate rules? Do you want to require DHS to consult with particular experts to come up with the prohibited foods and beverages?

Pamela J. Kahler  
Senior Legislative Attorney  
Phone: (608) 266-2682  
E-mail: [pam.kahler@legis.wisconsin.gov](mailto:pam.kahler@legis.wisconsin.gov)



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-1032/P1

PJK:jld:jm

r m is run

SOON

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

2013 BEO

in 2-26  
(no changes)

✓ Regen

- 1 AN ACT *to create* 49.79 (7m) and 227.01 (13) (tm) of the statutes; **relating to:**
- 2 a pilot program to limit foods under FoodShare and providing an exemption
- 3 from rule-making procedures.

---

***Analysis by the Legislative Reference Bureau***

Under current law, the federal food stamp program, now known as the Supplemental Nutrition Assistance Program (SNAP) and called FoodShare in this state, assists eligible low-income individuals to purchase food. SNAP benefits are paid entirely with federal moneys. The cost of administration is split between the federal and state governments; the program is administered in this state by the Department of Health Services (DHS).

This bill requires DHS to conduct a pilot program that limits the use of SNAP benefits for foods, food products, and beverages (foods and beverages) that have sufficient nutritional value. DHS must identify specific or categories of foods and beverages that do not have sufficient nutritional value and prohibit the use of SNAP benefits for those foods and beverages. If DHS determines that a federal waiver is needed to implement the pilot program, it must request the waiver and may not implement the pilot program unless the waiver is granted.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 49.79 (7m) of the statutes is created to read:

2           **49.79 (7m)** PILOT PROGRAM LIMITING FOODS. (a) Subject to par. (b), the  
3       department shall conduct a pilot program under which the department allows the  
4       benefits under the food stamp program to be used only for foods, food products, and  
5       beverages that have sufficient nutritional value. The department shall identify  
6       specific foods, food products, and beverages, or general categories of foods, food  
7       products, and beverages, that do not have sufficient nutritional value and shall  
8       prohibit the use of benefits under the program for those foods, food products, and  
9       beverages.

10          (b) If the department determines that it may not implement the pilot program  
11       under par. (a) without a federal waiver, the department shall request a waiver from  
12       the secretary of the federal department of agriculture and may not implement the  
13       pilot program under par. (a) unless the waiver is granted and in effect.

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15           **227.01 (13) (tm)** Relates to a pilot program under s. 49.79 (7m).

16                           **(END)**

**Barman, Mike**

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**From:** Field, Adam  
**Sent:** Thursday, March 21, 2013 9:08 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -1032/1 Topic: Pilot program for limiting types of food that may be purchased with food stamps

Please Jacket LRB -1032/1 for the ASSEMBLY.